

MEMORANDUM OF LAW

DATE: March 8, 1989

TO: Charles G. Abdelnour, City Clerk

FROM: City Attorney

SUBJECT: Records of Closed Sessions

You recently inquired about your authority to release records and minutes of closed City Council sessions to the public. Section 54957.2 of the California Government Code (part of the Ralph M. Brown Act) provides that keeping a minute book of closed sessions is discretionary. If kept, the minute book is not a public record, as the section provides in pertinent part:

54957.2 Minute book record of closed sessions;
inspection

(a) The minute book made pursuant to this section is not a public record subject to inspection pursuant to the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1), and shall be kept confidential. The minute book shall be available only to members of the legislative body or, if a violation of this chapter is alleged to have occurred at a closed session, to a court of general jurisdiction wherein the local agency lies. Such minute book may, but need not, consist of a recording of the closed session.

Hence your authority to release minute book information is restricted to only a) councilmembers and b) a court of general jurisdiction where a violation of the act is alleged. Release to the public, then, is not authorized. Government Code sections 54957.2 and 54957.5; Open Meeting Laws 1989, California Attorney General's Office, p. 45.

JOHN W. WITT, City Attorney

By

Ted Bromfield

Chief Deputy City Attorney

TB:mb:014:(043.2)

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